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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,001	12/03/2001	Mohammed N. Islam	068069.0116	2948

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EXAMINER

SHAH, KAMINI S

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/006,001

Applicant(s)

ISLAM, MOHAMMED N.

Examiner

Kamini S. Shah

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-91 is/are pending in the application.
- 4a) Of the above claim(s) 1-57,67-69,71-82 and 84-91 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 58-66,70 and 83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/6/05;1/31/02
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

PD

Election/Restrictions

1. Applicant's election without traverse of Species XI (figures 12-16), claims 58-70 in the reply filed on 06/06/05 is acknowledged. Applicant withdraws claims 1-57, cancels claim 67 and adds new claims 71-91.
2. Applicant cancels claim 67 for claiming species best illustrated by page 63, starting on lines 3. Claims 68 and 69 recites similar species as original claim 67, and should have been canceled. Accordingly, claims 68 and 69 are withdrawn from consideration on merit.
3. Newly submitted claims 71-82, 84-91 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Page 63 in specification discloses a embodiment- FIGURE 13 is a flow chart showing one example of a method 500 of enhancing the effective switching speed of an optical router by aggregating packets bound for a common destination element. Method 500 begins at step 510 where router 112 receives a plurality of optical packets each comprising a payload and each comprising an identifier of the same destination element. Referring to FIGURE 8b, router 112 generates at step 520 an aggregated frame 137 comprising an identifier 139 of the destination element shared by packets 131a-131n.
4. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 71-82,84-91 are withdrawn from

consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 58-66, 70 and 81, 83 are rejected under 35 U.S.C. 102(b) as being anticipated by Arthurs et al (5,005,167).

Regarding claims 58, 62 and 65, Arthurs et al teaches a method of routing optical signals, comprising:

communicating to a star switching fabric a plurality of optical signals each having a wavelength (12-1 to 12-N of figure 1, and col. 9, lines 20-27);

communicating from the star switching fabric a plurality of substantially similar sets of the optical signals (24-1 to 24-N of figure 1);

receiving one of the plurality of substantially similar sets of optical signals at a plurality of tunable filters associated with a single output link from a router (output ports 14-1 to 14-N and interface units 28-1 to 28-N);

processing one of the optical signals received having primarily a first wavelength using a first tunable filter of the plurality of tunable filters tuned to the first wavelength (26-1 to 26-N of figure 1);

tuning a second tunable filter of the plurality of tunable filters to a second wavelength while the first tunable filter processes the optical signal having primarily the first wavelength (col.4, lines 41-55);
and

communicating the optical signal having primarily the first wavelength toward the output link associated with the plurality of tunable filters (col. 4, lines 41-56).

Regarding independent claims 60,61, 63, 64, 66, Arthurs teaches signals optical signals received having primarily a first wavelength comprises:

substantially communicating the optical signal having primarily the first wavelength (22-1 to 22-N of figure 1, also see 22 of fig.8);

and

substantially rejecting optical signals received from the star switching fabric having primarily wavelengths other than the first wavelength (26-1 to 26-N of fig. 1, and col. 4, lines 40-52.

after processing the optical signal having primarily the first wavelength, receiving another set of substantially similar optical signals (28-1 to 28-N of figure 1, and col. 4, lines 57-66); and

processing one of the another set of optical signals received having primarily the second wavelength using the second tunable filter of the plurality of tunable filters tuned to the second wavelength 28-1 to 28-N of figure 1, and col. 4, lines 57-66)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kamini S. Shah whose telephone number is 571-272-2279. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B. Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kamini S Shah
Primary Examiner
Art Unit 2142

KSS